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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,931	12/23/2003	Ken-Ju Jung	252011-1840	9007
47390	7590	06/27/2007	EXAMINER	
THOMAS, KAYDEN, HOSTEMEYER & RISLEY LLP			BAYARD, DJENANE M	
100 GALLERIA PARKWAY			ART UNIT	PAPER NUMBER
SUITE 1750			2141	
ATLANTA, GA 30339			MAIL DATE	DELIVERY MODE
			06/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/743,931	JUNG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Djenane M. Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-5, 8, 11, 14 and 17, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,185109 to Conrad et al.

- a. As per claims 1, 8 and 14, Conrad et al teaches a system of automated network device discovery, comprising: a storage device (See col. 5, lines 58-67 and col. 6, lines 1-3); and a discovery module, configured to issue a series of relayed single-destination simple network management protocol (SNMP) requests to a plurality of network devices to acquire a plurality of Cisco discovery protocol (CDP) neighbor device data (See col. 2, lines 58-67, *discovering CDP nodes of the network by transmitting SNMP message*, col. 3, lines 1-10 and col. 4, lines 36-54, col.) generate a plurality of network device inventory records corresponding to the CDP neighbor device data, and store the network device inventory records to the storage device (See

col. 4, lines 2-25).

b. As per claims 4, 11 and 17, Conrad et al teaches the claimed invention as described above. Furthermore, Conrad et al teaches a display module, providing a graphical user interface (GUI) to facilitate selecting and browsing the network device inventory records (See col. 5, lines 22-38).

c. As per claim 5, Conrad et al teaches the claimed invention as described above. Furthermore, Conrad et al teaches wherein the network device stores a management interface base (MIB) file containing the CDP neighbor device data (See col. 4, lines 1-25).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 6-7, 9-10, 12-13, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,185109 to Conrad et al in view of U.S. Patent No. 5,710885 to Bondi.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

a. A per claims 2 and 9, Conrad et al teaches the claimed invention as described above. However, Conrad et al fails to teach wherein the discovery module further stores the CDP neighbor device data which is newly discovered to a queue and pops the CDP neighbor device data out of the queue for successive CDP neighbor device discovery.

Bondi teaches wherein the discovery module further stores the CDP neighbor device data which is newly discovered to a queue and pops the CDP neighbor device data out of the queue for successive CDP neighbor device discovery (See col. 5, lines 54-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Bondi in the claimed invention of Conrad et al in order to reduce the elapsed of network discovery (See col. 3, lines 20-25).

b. As per claims 3, 10 and 16, Conrad et al in view of Bondi teaches the claimed invention as described above. However, Conrad et al fails to teach wherein the CDP neighbor device identity is popped out of the queue on a first-in-first-out (FIFO) basis.

Bondi teaches wherein the CDP neighbor device identity is popped out of the queue on a first-in-first-out (FIFO) basis (See col. 5, lines 54-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Bondi in the claimed invention of Conrad et al in order to reduce the elapsed of network discovery (See col. 3, lines 20-25).

c. As per claims 6-7, 12-13 and 18-19, Conrad et al in view of Bondi teaches the claimed invention as described above. Furthermore, Conrad et al teaches wherein the network device stores a management interface base (MIB) file containing the CDP neighbor device data (See col. 4, lines 1-25).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 2003/0097438 to Bearden et al teaches a network topology discovery.

U.S. Patent No. 2005/0207414 to Duvvury teaches a method for automatic cluster network device address assignment.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

Art Unit: 2141

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

  
WILLIAM VATOHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100